

REMARKS

Claims 11 to 17 and 27 to 31 are canceled without prejudice, and claims 18 to 26 and 32 to 36 are therefore now pending and allowed.

Applicants respectfully request reconsideration of the present application in view of this response.

Applicants thank the Examiner for allowing claims 18 to 26 and 32 to 36.

The disclosure was objected to as to certain subject matter of claims 11 and 17. While the objection may not be agreed with, to facilitate matters, claims 11 to 17 and 27 to 31 are canceled without prejudice. It is therefore respectfully requested that the objection be withdrawn as moot.

Claims 11 and 17 were objected to for certain informalities. While the objections may not be agreed with, to facilitate matters, claims 11 to 17 and 27 to 31 are canceled without prejudice. It is therefore respectfully requested that the objections be withdrawn as moot.

Claims 11, 13 to 15, 17 and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over Watanabe, Japanese Patent Publication No. JP-60101958., in view of "Legal Precedent".

It is believed that the form of the rejection is not proper, since claims are rejected based on applied references or known knowledge, as evidenced by a proper reference, and not by referring to "Legal Precedent".

Claims 16 and 28 to 31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Watanabe, Japanese Patent Publication No. JP-60101958., in view of Irmmler, International Patent Application No. WO/7900814.

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and

not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the obviousness rejections may not be agreed with, to facilitate matters, claims 11 to 17 and 27 to 31 are canceled without prejudice. It is therefore respectfully requested that the obviousness rejections be withdrawn as moot.

Accordingly, claims 18 to 26 and 32 to 36 are therefore now pending and allowed.

CONCLUSION

It is therefore respectfully submitted that all of claims 18 to 26 and 32 to 36 are allowed. It is therefore respectfully requested that the objections and rejections be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

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Respectfully submitted,

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